STATE OF MICHIGAN

COURT OF APPEALS

UNPUBLISHED
March 20, 2012

In the Matter of HELFERICH, Minors.

No. 304495
Grand Traverse Circuit Court
Family Division
LC No. 07-002153-NA

In the Matter of HELFERICH, Minors.

No. 304543
Grand Traverse Circuit Court
Family Division
LC No. 07-002153-NA

Before: METER, P.J., and FITZGERALD and MARKEY, JJ.

PER CURIAM.

In these consolidated appeals, respondents appeal as of right from an order terminating their parental rights to two minor children. We affirm.

Respondents met in 2002. Respondent-mother became pregnant with their first child, a daughter, in 2003. Respondent-mother has been diagnosed as bipolar; respondent-father has mental health issues as well, including substance-abuse problems and attention deficit hyperactivity disorder. After the birth of this first child, respondent-father quit his job because it was apparent that respondent-mother was unable to care for the child while he was at work. In early 2006, respondent-mother gave birth to a second child, a boy. Apparently, respondent-mother's bipolar disorder was less controlled during and after this second pregnancy. Eventually, the parties began living apart and respondent-father filed for divorce. Between 2003 and 2008, Children's Protective Services (CPS) investigated 20 referrals of this family. Frequently, the referrals included allegations by the mother that the father was sexually abusing the children. Some allegations of abuse and neglect were substantiated, while others were not. The specific allegations of sexual abuse at the hands of the father were initially unsubstantiated and thought to be the product of respondent-mother coaching her daughter. At one point, custody of the children was primarily placed with respondent-father, and respondent-mother was granted supervised visitation. However, there were brief periods where the children were in foster care and respondent-mother had unsupervised visitation. On the evening of June 10, 2009, while he had custody of the children, respondent-father consumed over 12 beers and his blood

alcohol content reached .273. An altercation ensued with a neighbor, the police arrived, respondent-father was arrested and charged with multiple offenses, and the children were removed from his care.

Over the next two years, respondents were provided a multitude of services. In June and August of 2010, petitions were filed seeking termination of respondents' parental rights. The termination hearing was held in April and May of 2011. At the conclusion of the hearing, the trial court terminated both respondents' parental rights pursuant to MCL 712A.19b(3)(g) and (j). In addition, the court found that there was clear and convincing evidence to support termination of respondent-mother's parental rights pursuant to MCL 712A.19b(3)(c).[1]

In order to terminate parental rights, the trial court must find that at least one of the statutory grounds for termination has been established by clear and convincing evidence. *In re Trejo*, 462 Mich 341, 355-356; 612 NW2d 407 (2000). This Court reviews that finding using the clearly erroneous standard. *Id*. at 356-357; MCR 3.977(K). A finding is clearly erroneous if, although there is evidence to support it, this Court is left with a definite and firm conviction that a mistake has been made. *In re Miller*, 433 Mich 331, 337; 445 NW2d 161 (1989). In order to be clearly erroneous, the finding must strike this Court as more than just maybe or probably wrong. *In re Sours*, 459 Mich 624, 633; 593 NW2d 520 (1999).

We first consider respondent-mother's claim that there did not exist clear and convincing evidence to support termination of her parental rights. The evidence established that respondent-mother suffered from mental health issues that impaired her ability to provide proper care and custody for the children. The children exhibited developmental delays, physical characteristics, and behavioral abnormalities that were indicative of children exposed to extreme trauma. As one expert explained, the children acted as if they had never been parented. A different therapist stated that she had never seen such damaged children, opining that they were "like little animals." Clearly, the parents had not adequately cared for these young children.[2]

Although respondent-mother participated in services and appeared to be compliant with her medication regime, there was clear and convincing evidence that she had very few parenting skills and that continued services would be unlikely to improve the minimal skills she might possess. Through therapeutic visitation, counseling, and parent aides, appropriate behavior was explained and modeled for respondent-mother. Despite this instruction and assistance, respondent-mother was unable to integrate these skills into her parenting of the children. Indeed,

---

[1] Although the trial court cited MCL 712A.19b(c)(*ii*), its wording seems to encompass both (c)(*i*) and (*ii*).

[2] There were multiple reports of extreme sexual acting-out by the children, as well as physical characteristics consistent with sexual abuse. The acting-out included behaviors such as the girl inserting objects into her vagina and the boy inserting his finger into a dog's rectum. Multiple witnesses opined that sexual abuse had occurred.

respondent-mother's deficiencies were so glaring that her continued contact was harmful to the children,[3] and parenting time was ultimately suspended.

There was additional evidence that respondent-mother would be unable to properly parent her children within a reasonable time. At the time of the termination hearing, the children had been in care over two years. Respondent-mother was characterized as being in a "precontemplative" state of change, making it unlikely that any significant change would be seen for an extended period of time. Respondent-mother lacked the insight that was necessary to effectuate permanent change in her behavior. She continued to deny any responsibility for the children coming into care. In addition, respondent-mother's bipolar disorder was not as controlled as she asserts. One psychologist explained that, if the children were returned, it was likely that respondent-mother would quickly decompensate because of the stress generated by the overwhelming demands of two special-needs children.

Considering the foregoing, the lower court did not clearly err when it concluded that respondent-mother had failed to properly care for her children, that she would not be able to properly parent her children within a reasonable time considering their ages, and that the children would be harmed if returned to her care. See MCL 712A.19b(3)(g) and (j).[4]

We next consider respondent-father's similar claim on appeal that the trial court erred when it found clear and convincing evidence to terminate his parental rights. The trial court terminated respondent-father's parental rights pursuant to MCL 712A.19b(3)(g) and (j). First, respondent-father contends that the children were not harmed in his care. This conclusion is implausible. Immediately upon their placement in foster care, the children exhibited behavior consistent with children who had been traumatized by severe abuse and neglect. Further, physical and medical observations of the children bolstered this conclusion. There was evidence of the children acting out before removal, but even more compelling evidence came from the foster parents in whose care the children were placed upon being removed from respondent-father's care. In addition to extreme sexual acting out by both children, foster mothers described other disturbing behavior, such as the killing of small animals by the boy. Again, one expert explained that it was as if they had never been parented. A foster mother testified that the children did not want to attend visitation with their parents and that such visitation would cause a regression in their progress. Clearly, the children had been harmed while in respondent-father's care.

---

[3] A foster mother testified that the children did not want to attend visits with their parents and that such visitation caused a regression in their progress.

[4] As noted, the trial court's ruling concerning MCL 712A.19b(3)(c) is not entirely clear. However, we need not even contemplate the issue, because only one statutory ground need be established in order for a court to terminate parental rights, see *In re Trejo*, 462 Mich at 355-356, and the additional grounds in MCL 712A.19b(3)(g) and (j) were clearly established.

Further, there was evidence that the children would be harmed if returned to respondent-father's custody. At the time of the termination hearing, respondent-father was in no better position to parent his children then he had been at the time the children were removed from his care. Despite being offered a multitude of services, respondent-father failed to demonstrate that he could properly parent his children. During parenting time, respondent-father was unable to demonstrate that he had integrated into his parenting skills proper behavior that had been modeled for him by parent aides and therapists. Further, respondent-father lacked insight into his own behavior and how this adversely affected his children. Even at the time of the termination hearing, respondent-father claimed that the events that led to the children's removal, his intoxication and arrest, were blown out of proportion. Respondent-father further dismissed as untrue the accounts of the children's extremely aberrant sexual behavior, thus evidencing his lack of insight into the effects the abuse and neglect had upon the children's well being. After years of services, respondent-father continued to be blind to the severe damage his children sustained, and it would be unlikely that he would recognize their overwhelming needs and respond accordingly within a reasonable period of time. Based upon the foregoing, we find that the trial court did not err when it terminated respondent-father's parental rights pursuant to MCL 712A.19b(3)(g) and (j).[5]

Affirmed.

/s/ Patrick M. Meter
/s/ E. Thomas Fitzgerald
/s/ Jane E. Markey

[5] Respondent-father also makes an argument concerning MCL 712A.19b(3)(c), but the trial court did not cite this provision in its ruling regarding respondent-father. At any rate, only one statutory ground need be established in order to terminate parental rights. See, e.g., *In re Trejo*, 462 Mich at 355-356. We additionally note that neither respondent makes a separate appellate argument regarding the best-interests prong of the termination analysis, instead focusing on the statutory factors.